

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

2014 MAR 27 P 2:16

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

ORIGINAL

IN THE MATTER OF:

CONCORDIA FINANCING COMPANY, LTD,  
a/k/a "CONCORDIA FINANCE,"

ER FINANCIAL & ADVISORY SERVICES, LLC,

LANCE MICHAEL BERSCH, and

DAVID JOHN WANZEK and LINDA WANZEK,  
husband and wife.

Respondents.

DOCKET NO. S-20906A-14-0063

Arizona Corporation Commission

DOCKETED

MAR 27 2014

DOCKETED BY

*[Signature]*

**SECOND  
PROCEDURAL ORDER**

BY THE COMMISSION:

On February 27, 2014, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, Order for Administrative Penalties, and Order for Other Affirmative Action ("Notice") against Concordia Financing Company, Ltd, a/k/a Concordia Finance ("Concordia"), ER Financial & Advisory Services, LLC ("ER"), Lance Michael Bersch, and David John Wanzek and Linda Wanzek, husband and wife (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of investment contracts and promissory notes within or from Arizona.

The spouse of David John Wanzek, Linda Wanzek ("Respondent Spouse"), is joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the marital community.

Respondents ER, Lance Michael Bersch, David John Wanzek and Linda Wanzek were duly

1 served with copies of the Notice.

2 On March 6, 2014, Respondents ER, Lance Michael Bersch and David John Wanzek filed a  
3 Request for Hearing. On March 14, 2014, Respondent Linda Wanzek filed a Request for Hearing.

4 On March 17, 2014, by Procedural Order, a pre-hearing conference was scheduled for April  
5 10, 2014, at 11:00 a.m.

6 On March 26, 2014, Respondent Concordia filed a Request for Hearing.

7 Accordingly, the previously scheduled pre-hearing conference should be affirmed with notice  
8 provided to Respondent Concordia.

9 IT IS THEREFORE ORDERED affirming the **pre-hearing conference** to be held on **April**  
10 **10, 2014, at 11:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room  
11 No. 2, Phoenix, Arizona.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
13 Communications) is in effect and shall remain in effect until the Commission's Decision in this  
14 matter is final and non-appealable.

15 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
16 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission  
17 *pro hac vice*.

18 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance  
19 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
20 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
21 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
22 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
23 Administrative Law Judge or the Commission.

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1 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,  
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
3 ruling at hearing.

4 DATED this 27<sup>th</sup> day of March, 2014.

5  
6   
7 MARK PRENY  
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered  
9 this 27<sup>th</sup> day of March, 2014, to:


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11 Timothy J. Sabo  
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